



City of Seattle

---

Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Director

**CITY OF SEATTLE  
FINDINGS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2301481

**Applicant Name:** Nancy Henderson

**Address of Proposal:** 1123 23<sup>rd</sup> Avenue South

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish the use for the future construction of 16 units of low income housing in three separate three story apartment buildings. The project includes surface parking for 16 vehicles.

The following approval is required:

**SEPA - Environmental Determination - Chapter 25.05 SMC**

**SEPA DETERMINATION:**      ☐ Exempt   ☐ DNS   ☐ MDNS   ☐ EIS\*

☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition,  
or involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site Description**

The site is located in a Lowrise 2 zone one block north of Interstate 90 in the Judkins Neighborhood of the Central Area. The site is located on the west side of 23<sup>rd</sup> Avenue South on

the block located between South Judkins Street on the south, South Norman Street on the north, and 22<sup>nd</sup> Avenue South to the west. The site is vacant and covered with grass and shrubs and slopes down from front to rear. There are no trees on the site.

### Area Development

Development in the vicinity consists primarily of single family residences on lots of varying shapes and sizes. There are some multifamily structures interspersed among the single family residences. Interstate 90 is located one block to the south and there is a playfield between the freeway and the block on which the site is located. The former Colman School site and a future Museum is located two blocks to the southeast. There is an abandoned landfill on the block to the east across 22<sup>nd</sup> Avenue South which has been developed into Judkins Play Field. There is surface parking available in Judkins Play Field.

### Proposal Description

Master Use Permit to establish the use for the future construction of 16 units of low income housing in three separate three story buildings. The project includes surface parking for 16 vehicles with access from the alley.

### Public Comment

One comment letter was received from a neighboring resident on 22<sup>nd</sup> Avenue South during the comment period which ended May 7, 2003. Concerns were expressed about traffic safety and visibility due to cars backing onto 22<sup>nd</sup> Avenue South, the curve in 23<sup>rd</sup> Avenue South in front of the site, and the ability to see southbound traffic on 23<sup>rd</sup> Avenue South at the intersection of South Norman Street and 23<sup>rd</sup> Avenue South.

### ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated March 25, 2003) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances

(SMC 25.05.665) mitigation can be considered.

### Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers' vehicles. Existing City codes and ordinances applicable to the project such as: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several construction-related impacts. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Engineering Department, and no further SEPA conditioning would be needed.

Construction of the project is proposed to last for several months. Parking utilization along streets in the vicinity is moderate and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Because the scale of the project is of a significant size, this temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, construction workers will be required to park on-site in the surface parking spaces off of the alley as soon as the structures are framed in for the duration of construction. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

The proposal site is located adjacent to a residential area where construction of this scale would impact the noise levels. The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is the department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is necessary to mitigate impacts that would result from the proposal on surrounding properties, because existing City ordinances do not adequately mitigate such impacts. This is due to the density of residential units in the area and the proximity of these structures to the proposal site. The proposal is, therefore, conditioned to limit demolition and construction activity to non-holiday weekday hours between 7:30 A.M. and 6:00 P.M. After the structure is enclosed, interior construction may be done in compliance with the noise ordinance. The department may modify this condition to allow work of an emergency nature or which cannot otherwise be accomplished during these hours by prior written approval of the Land Use Planner.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy

(Section 25.05.675 SMC). No unusual circumstances exist which warrant additional mitigation, per the SEPA Overview Policy.

### Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of multifamily structures and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption). Additional land use impacts which may result in the long-term are discussed below.

### Height, Bulk, and Scale

The design of each of the three buildings is similar in proportion and materials, but incorporates repetition with variety. The three buildings will look like part of the same development, but each building will look distinct from the other two structures. Each of the buildings will have a pitched roof, double-hung windows with trim, horizontal banding distinguishing and emphasizing the top story from the lower stories, clearly identifiable covered entrances, and modulation. The finish materials on Building A will include a combination of horizontal lap siding with shingles on the third story. Building B will have narrow lap siding on the first two stories and wider lap siding on the third story. The pitched roof will have dormers. Building C will have horizontal lap siding on the first two stories, vertical tudor style finishes on the third story, and projecting garden windows with decorative support brackets. These design elements break up the appearance of bulk of the facades and will mitigate the height, bulk, and scale impacts of the structures. Therefore, no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

### Traffic and Transportation

The Institute of Transportation Engineers (ITE) Trip Generation Manual estimates that apartment units generate approximately 6.1 vehicle trips per day. Based on the estimates in the Trip Generation Manual the 16 apartment units would generate approximately 97.6 vehicle trips per day. The availability and proximity of transit to downtown and on Interstate 90 to the eastside employment centers will make it likely that there will be fewer vehicle trips than from developments in outlying areas on which the ITE generation equation is based. The site has ready access to the arterials 23<sup>rd</sup> Avenue South, Martin Luther King Jr. Way South, South Jackson Street, South Dearborn Street, and East Yesler Way. The volume of traffic along 23<sup>rd</sup> Avenue South is fairly high and the nearby intersections at South Judkins Street and South

Norman Street which provide vehicle access to the parking off of 22<sup>nd</sup> Avenue South operate at acceptable levels. The amount of traffic expected to be generated by the proposed project is within the capacity of the streets in the immediate area, so no SEPA mitigation of traffic impacts is warranted.

### Parking

The parking policy in Section 25.05.675M of the Seattle SEPA Ordinance states that parking impact mitigation may be required only where on-street parking is at capacity as defined by the Seattle Transportation Department or where the development itself would cause on-street parking to reach capacity. Parking utilization in the vicinity appears to be below capacity and on-street parking can be found during the daytime or evening hours. Sixteen surface parking spaces would be provided on the west side of the three proposed buildings with vehicle access from 22<sup>nd</sup> Avenue South which is 16 feet wide and serves the function of an alley to the residences on this block. The parking spaces provided will meet the Land Use Code requirement and are expected to accommodate the parking demand generated by the 16 apartment units. There is parking available in the parking lot at Judkins Park across 22<sup>nd</sup> Avenue South from the site. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

### CONCLUSION - SEPA

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal which are nonsignificant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

### DECISION - SEPA

This decision was made after review by the responsible official on behalf of DCLU as the lead agency of the completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030(2)(C).

## **SEPA CONDITIONS**

The owner(s) and/or responsible party(s) shall:

### **During Construction**

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DCLU. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

1. In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit the hours of construction to non-holiday weekdays between 7:30 AM and 6:00 PM and Saturdays between 9:00 AM and 6:00 PM. This condition may be modified by the Department to permit work of an emergency nature of to allow low noise exterior work (e.g., installation of landscaping) after approval from the Land Use Planner. After the structures are enclosed, interior work may proceed at any time in compliance with the Noise Ordinance.

Signature: (signature on file) Date: August 14, 2003  
Malli Anderson, Land Use Planner  
Land Use Services